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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Varouj Amirkhanian

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444 S. FLOWER STREET SUITE 1750

LOS ANGELES, CA 90071

EXAMINER

RAMDHANIE, BOBBY

ART UNIT

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1797

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DELIVERY MODE

04/03/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/823,382	Applicant(s) AMIRKHANIAN ET AL.	
	Examiner BOBBY RAMDHANIE	Art Unit 1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

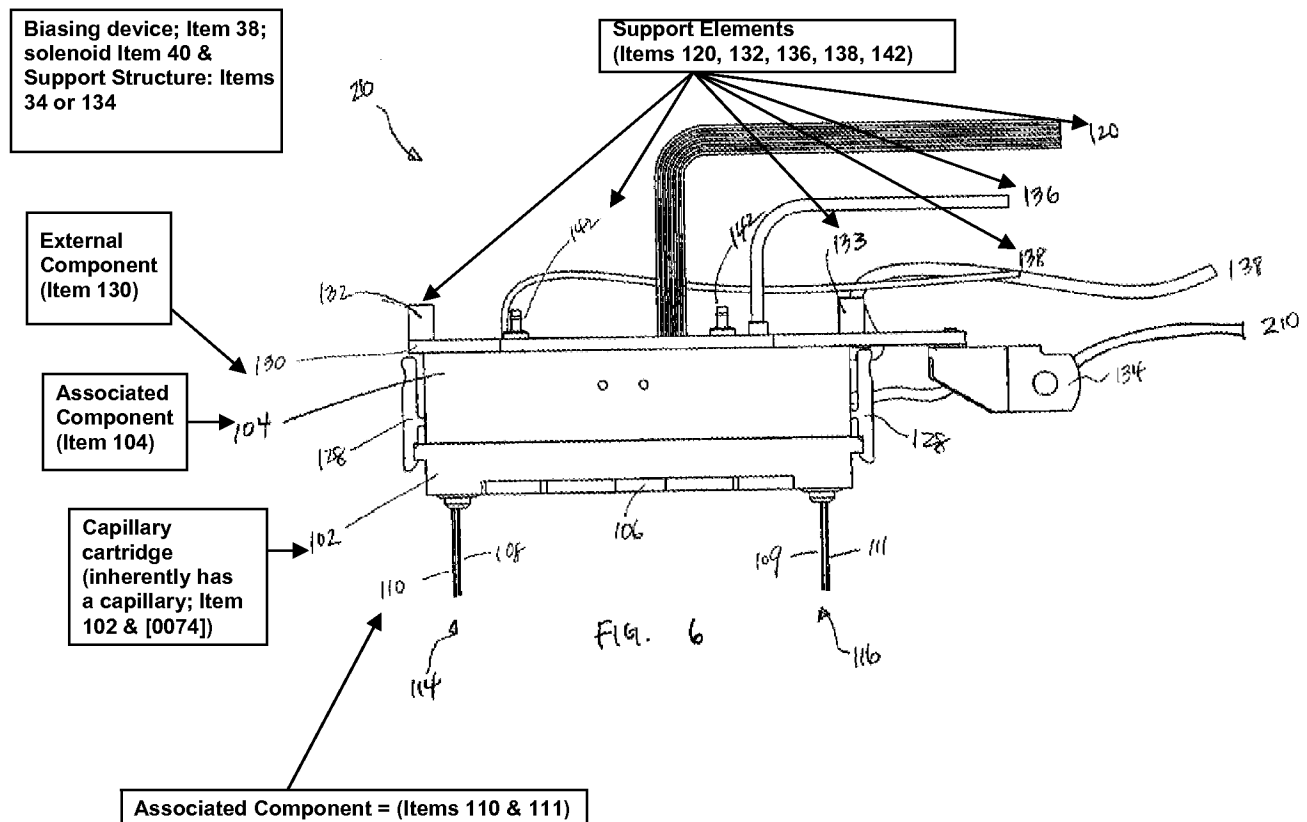
DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Remarks, filed 08/29/2008, with respect to Claim 3 have been fully considered and are persuasive. The Claim Objection of Claim 3 has been withdrawn.
2. Applicant's arguments, see Remarks, filed 08/29/2008, with respect to the 112 rejections have been fully considered and are persuasive. The 112 rejections of Claims 1-20, have been withdrawn.
3. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection. The new grounds of rejection are necessitated by Applicants' amendment to the claims to overcome the rejections of 112.
4. Applicant's arguments in regards to the rejections of 102 & 103, filed 12/29/2008 have been fully considered but they are not persuasive. The following reasons are why:
5. Applicants argue that Hedberg et al does not disclose the newly amended claims. The Examiner respectfully disagrees. Please See Figure 6 below, which is diagrammed with the components of newly amended Claim 1. Item 38 is a biasing device which comprises Item 40, a magnetic solenoid which contacts and biases the magnetic pick up plate Item 130, which is against the associated component (Items 104 or 110).
6. In an alternative claim mapping, the support structure (Items 34 & 134,) supports the capillary cartridge (Item 102) via the biasing device (Item 104), which supports the cartridge in relation to the external component (Item 130), wherein the at least one

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biasing device supporting and biasing the external component against the associated component of the capillary cartridge (See Items 130, 104, 128 and associated component is the portion of cartridge which snap fits into Item 128) thereby providing the support element to the cartridge to conduct the bio-analytical process.



7.

8. Applicants have stated their option of swearing behind the Hedberg et al reference on Page 10 of the Remarks filed on 12/29/2008. The Examiner would like to state on the record that to date, no Affidavits or declaration have been submitted under 37 CFR 1.131, for potential review and/or possible acceptance to overcome the rejections to Hedberg et al.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Hedberg et al (US20020092770).

11. Applicants' claims are toward both a device and system

12. Regarding Claims 1-20, Hedberg et al discloses the interface mechanism for interfacing at least an associated component of a capillary cartridge to at least an external component that provides to the associated component of the capillary cartridge a support element required by a bio-analytical process for a bio-sample, comprising: A). A support structure (See Item 34) supporting the cartridge (See Item 102) in relation to the external component (See Item 130); B). At least one biasing device supported by the support structure (See Item 38), the biasing device supporting and biasing the external component against the associated component (See Item 104) of the capillary cartridge, thereby providing the support element to the cartridge to conduct the bio-analytical process (See Items 120, 132, 136, 138, & 142).

13. Alternatively, Regarding Claims 1-20, Hedberg et al discloses the interface mechanism for interfacing at least an associated component (See Items 110 or 111;

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electrodes) of a capillary cartridge (See Item 102) to at least an external component (See Item 130) that provides to the associated component of the capillary cartridge a support element (See Items 120, 132, 136, 138, & 142) required by a bio-analytical process for a bio-sample, comprising: A). A support structure (See Item 134) supporting the cartridge (See Item 102) in relation to the external component (See Item 130); B). At least one biasing device (See Item 38) supported by the support structure, the biasing device supporting and biasing the external component against the associated component (See Items 110 or 111) of the capillary cartridge, thereby providing the support element to the cartridge to conduct the bio-analytical process (See Items 120, 132, 136, 138, & 142).

14. Additional Disclosures Included: Claim 2: The biasing device (Item 38) comprises a compliant member (See Item 40), supporting and biasing the external component against the associated component of the capillary cartridge; Claim 3: The external component provides incident radiation (See Item 130; external plate and Item 136; fiber optic cable which can provide incident radiation); Claim 4: The biasing device (Item 38) comprises an actuator operatively coupled to the external component (See Figure 2C Item 38); Claim 5: The actuator comprises at least one of a pneumatic actuator, a electromechanical actuator, and a mechanical actuator (See Item 38; [0052]); Claim 6: n claim 5, further comprising a source of compressed gas operatively coupled to the pneumatic actuator (See [0052]; pneumatic pistons inherently have a source of gas); Claim 7: The capillary cartridge is interchangeable and removably supported by the

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support structure (See Figure 6, the capillary cartridge is no a permanent component and possesses the intended use; See [0072; note: “removable cartridge”), and wherein the biasing device (See Item 38) is structured to removably bias the external component against the associated component of the capillary cartridge to provide a quick connection (See Item 40 is a magnetic solenoid which provides a quick connect to the external component that is against the associated component of the capillary cartridge); Claim 8: The external component is associated with a support element comprising at least one of electrical power, a pressurized gas, incident radiation, detection optics (See Figure 6 Support Elements listed above); Claim 9: The capillary cartridge comprises multiple separation channels, and wherein the support structure supports the capillary cartridge in relation to a plurality of external components, wherein each external component is associated with a support element, and at least one external component being associated with each separation channel (See [0054], [0057], & [0083]); Claim 10: The interface mechanism as in claim 9, wherein the support element associated with each external component comprises at least one of electrical power, a pressurized gas, excitation radiation, detection optics (See [0086]); Claim 11: The interface mechanism as in claim 9, wherein a plurality of external components are associated with each separation channel, the plurality of external components are associated with a plurality of support elements, including at least electrical power, a pressurized gas, incident radiation and detection optics for each separation channel (See [0083-0087]); Claim 12: The interface mechanism as in claim 9, wherein at least one support element is provided by an external component that is separate from other external components

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associated with similar support element provided to other separation channels (See [0083-0087]); Claim 13: The interface mechanism as in claim 12, wherein the external component provides to the associated component of the capillary cartridge, at least one of incident radiation, detection optics, and electrical power (See [0083-0087]); Claim 14: At least one of the plurality of external components is associated with an associated component of the capillary cartridge which is common to the plurality of separation channels (See Figure 6 & [0057]); Claim 15: The interface mechanism as in claim 14, wherein said at least one external component provides to the associated component of the capillary cartridge, at least one of a high voltage and a pressurized gas (See [0052] and [0054]); Claim 16: The support structure comprises a location device and an actuator that biases the location device against the capillary cartridge to positively position the capillary cartridge in relation to the external component (See [0051] & [0059]); Claim 17: The interface mechanism as in claim 16, wherein the interface mechanism further comprises a controller controlling operation of the biasing device and the location device, wherein the controller is configured to activate the location device to positively position the capillary cartridge prior to activating the biasing device to bias the external device against the associated component of the capillary cartridge (See [0011]); Claim 18: The interface mechanism as in claim 1, wherein the support structure is provided with a cooling conduit operatively coupled to the capillary cartridge to direct cooling air to the capillary cartridge (See [0009]); Claim 19: A bio-analytical system for conducting a bio-analytical process for a sample in a capillary cartridge, comprising: a support for a sample; an interface mechanism for interfacing the capillary cartridge to a

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support element required by the bio-analytical process, comprising: A). At least an external component that provides to the capillary cartridge the support element required by the bio-analytical process (See Figure 6 Item 130); a support structure supporting the cartridge in relation to the external component and the sample (See Item 34); at least one biasing device supported by the support structure (See Item 38), the biasing device supporting and biasing the external component against a designated component of the capillary cartridge, thereby providing the support element to the cartridge to conduct the bio-analytical process; and a controller controlling the bio-analytical process in the capillary cartridge, including controlling operation of the interfacing mechanism (See [0011]); Claim 20: The bio-analytical system as in claim 19, wherein the interface mechanism comprises all the optics in the system (See Figure 16A Item 200).

Telephonic Inquiries

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BOBBY RAMDHANIE whose telephone number is (571)270-3240. The examiner can normally be reached on Mon-Fri 8-5 (Alt Fri off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Griffin can be reached on 571-272-1447. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. R./

/Walter D. Griffin/

Supervisory Patent Examiner, Art Unit 1797